

SECOND REGULAR SESSION  
[P E R F E C T E D]  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 760**  
94TH GENERAL ASSEMBLY

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Reported from the Committee on Transportation, February 7, 2008, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted February 28, 2008.

Taken up February 28, 2008. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

3493S.03P

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**AN ACT**

To repeal sections 390.071, 390.136, and 622.095, RSMo, and to enact in lieu thereof two new sections relating to implementing the unified carrier registration plan and agreement to conform with the Unified Carrier Registration Act of 2005, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 390.071, 390.136, and 622.095, RSMo, are repealed  
2 and two new sections enacted in lieu thereof, to be known as sections 390.021 and  
3 390.136, to read as follows:

**390.021. 1. The provisions of this section shall be applicable,  
2 notwithstanding any provisions of section 390.030 to the contrary.**

**3 2. As used in chapter 622, RSMo, and in this section, except when  
4 the context clearly requires otherwise, the following terms shall mean:**

**5 (1) "UCR implementing regulations", includes the regulations  
6 issued by the United States Secretary of Transportation under 49  
7 U.S.C.A. Section 13908, the rules and regulations issued by the board of  
8 directors of the Unified Carrier Registration (UCR) plan under 49  
9 U.S.C.A. Section 14504a, and the administrative rules adopted by the  
10 state highways and transportation commission under this section;**

**11 (2) "Unified Carrier Registration Act", or "UCR Act", Sections 4301**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 to 4308 of the Unified Carrier Registration Act of 2005, within subtitle  
13 C of title IV of the "Safe, Accountable, Flexible, Efficient Transportation  
14 Equity Act: A Legacy For Users" or "SAFETEA-LU", Public Law 109-59  
15 (119 Stat. 1761), as those sections have been and periodically may be  
16 amended.

17 3. Except when the context clearly requires otherwise, the  
18 definitions of words in 49 U.S.C. Sections 13102, 13908, and 14504a shall  
19 apply to and determine the meaning of those words as used in this  
20 section.

21 4. In carrying out and being subject to the provisions of the UCR  
22 Act, the Unified Carrier Registration (UCR) agreement, the UCR  
23 implementing regulations, and this section, but notwithstanding any  
24 other provisions of law to the contrary, the state highways and  
25 transportation commission may:

26 (1) Submit to the proper federal authorities, amend and carry  
27 out a state plan to qualify as a base-state and to participate in the UCR  
28 plan and administer the UCR agreement, and take other necessary  
29 actions as the designated representative of the state of Missouri so that:

30 (a) Missouri domiciled entities who must register and pay UCR  
31 registration fees are not required to register and pay those fees in a  
32 base-state other than the state of Missouri;

33 (b) The state of Missouri does not forfeit UCR registration fee  
34 revenues; and

35 (c) The state of Missouri may maintain its eligibility to receive  
36 the maximum allowable allocations of revenues derived under the UCR  
37 agreement;

38 (2) Administer the UCR registration of Missouri domiciled motor  
39 carriers, motor private carriers, brokers, freight forwarders and  
40 leasing companies, and such persons domiciled in non-participating  
41 states who have designated this state as their base-state under the UCR  
42 Act;

43 (3) Receive, collect, process, deposit, transfer, distribute, and  
44 refund UCR registration fees relating to any of the persons and  
45 activities described in this section. Notwithstanding any provisions of  
46 law to the contrary, these UCR registration fees collected by the  
47 commission are hereby designated as "nonstate funds" within the  
48 meaning of section 15, article IV, Constitution of Missouri, and the

49 commission shall transmit these funds to the state department of  
50 revenue for deposit to the credit of the state highways and  
51 transportation department fund. The commission shall, from time to  
52 time, direct the payment of, and the director of revenue shall pay, the  
53 fees so deposited, in accordance with the provisions of the UCR Act, the  
54 UCR agreement, and the UCR implementing regulations. The director  
55 of revenue shall credit all income derived from the investment of these  
56 funds to the state highways and transportation department fund;

57 (4) Exercise all other powers, duties, and functions the UCR Act  
58 requires of or allows a participating state or base-state;

59 (5) Promulgate administrative rules and issue specific orders  
60 relating to any of the persons and activities described in this  
61 section. Any rule or portion of a rule, as that term is defined in section  
62 536.010, RSMo, that is created under the authority delegated in this  
63 section shall become effective only if it complies with and is subject to  
64 all of the provisions of chapter 536, RSMo, and, if applicable, section  
65 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
66 and if any of the powers vested with the general assembly pursuant to  
67 chapter 536, RSMo, to review, to delay the effective date, or to  
68 disapprove and annul a rule are subsequently held unconstitutional,  
69 then the grant of rulemaking authority and any rule proposed or  
70 adopted after August 28, 2008, shall be invalid and void;

71 (6) Enter into agreements with any agencies or officers of the  
72 United States, or of any state that participates or intends to enter into  
73 the UCR agreement; and

74 (7) Delegate any or all of the powers, duties, and functions of the  
75 commission under this section to any agent or contractor.

76 5. After the commission has entered into the UCR plan on behalf  
77 of this state, the requirements in the UCR agreement shall take  
78 precedence over any conflicting requirements under chapter 622,  
79 RSMo, or this chapter.

80 6. Notwithstanding any other provisions of law to the contrary,  
81 every motor carrier, motor private carrier, broker, freight forwarder,  
82 and leasing company that has its principal place of business within this  
83 state, and every such person who has designated this state as the  
84 person's base-state under the provisions of the UCR Act, shall timely  
85 complete and file with the state highways and transportation

86 **commission all the forms required by the UCR agreement and the UCR**  
87 **implementing regulations, and shall pay the required UCR registration**  
88 **fees to the commission.**

89 **7. All powers of the commission under section 226.008, RSMo, are**  
90 **hereby made applicable to the enforcement of this section with**  
91 **reference to any person subject to any provision of this section. The**  
92 **chief counsel shall not be required to exhaust any administrative**  
93 **remedies before commencing any enforcement actions under this**  
94 **section. The provisions of chapter 622, RSMo, shall apply to and govern**  
95 **the practice and procedures before the courts in those actions.**

96 **8. Except as required by the UCR Act, the UCR agreement, or the**  
97 **UCR implementing regulations, the provisions of this section and the**  
98 **rules adopted by the commission under this section shall not be**  
99 **construed as exempting any motor carrier, or any person controlled by**  
100 **a motor carrier, from any of the requirements of chapter 622, RSMo, or**  
101 **this chapter, relating to the transportation of passengers or property**  
102 **in intrastate commerce.**

103 **9. Notwithstanding any other provision of this section to the**  
104 **contrary, Missouri elects to not apply the provisions of the UCR Act,**  
105 **the UCR Agreement, and the UCR implementing regulations to motor**  
106 **carriers and motor private carriers that operate solely in intrastate**  
107 **commerce transporting farm or dairy products, including livestock,**  
108 **from a farm, or property from farm to farm, or stocker and feeder**  
109 **livestock from farm to farm, or from market to farm.**

390.136. 1. No motor carrier, except as provided in section 390.030, shall  
2 operate any motor vehicle unless such vehicle shall be accompanied by an annual  
3 or seventy-two-hour regulatory license issued by the state highways and  
4 transportation commission; provided that when a motor carrier uses a  
5 truck-tractor for pulling trailers or semitrailers, such motor carrier may elect to  
6 license either the truck-tractor, trailer or semitrailer. The fee for each such  
7 regulatory license shall be ten dollars per year and shall be due and payable as  
8 provided in this section. Such license shall be issued in such form and shall be  
9 used pursuant to such reasonable rules and regulations as may be prescribed by  
10 the commission.

11 **2. Any regulatory license issued to a motor carrier for use in driveaway**  
12 **operations, as defined in this section, shall be issued to such motor carrier**  
13 **without reference to any particular vehicle and may be used interchangeably by**

14 the holder thereof on any motor vehicle or combinations thereof moving in  
15 driveaway operations under such carrier's property carrier registration,  
16 certificate, or permit.

17         3. In case of emergency, temporary, unusual or a peak demand for  
18 transportation, additional vehicles as described in subsection 1 of this section  
19 may be operated upon issuance of a seventy-two-hour license for each vehicle so  
20 operated. The license fee for each such additional vehicle shall be the sum of five  
21 dollars for each seventy-two consecutive hours, or any portion thereof. Such  
22 licenses shall be issued, renewed, and staggered in such form and shall be used  
23 pursuant to such reasonable rules and regulations as the commission may  
24 prescribe. No such additional vehicle which has been licensed pursuant to this  
25 subsection shall be operated without being accompanied by such license.

26         4. The commission shall collect the applicable license fee prior to the  
27 issuance of such license or licenses provided for in this section, and shall receive  
28 the license fee or fees and immediately deposit the same to the credit of the state  
29 highways and transportation department fund [except as otherwise provided in  
30 section 622.095, RSMo,] or when an agreement has been negotiated with another  
31 jurisdiction whereby prepayment is not required. In such cases, [section 622.095,  
32 RSMo, if applicable, or] the terms of the agreement shall prevail.

33         5. Any person operating as a motor carrier who violates or fails to comply  
34 with any of the provisions of this section shall be adjudged guilty of a  
35 misdemeanor and, upon conviction thereof, shall be punished by a fine of not  
36 more than one hundred dollars.

37         6. The regulatory license fee provided in this section may be paid at any  
38 state weigh station.

39         7. The commission shall prescribe, for every regulatory license issued  
40 pursuant to this section, an effective date and an expiration  
41 date. Notwithstanding any provision of law to the contrary, the commission may  
42 stagger the issuance of licenses pursuant to this section to begin at quarterly  
43 intervals during any calendar year. Not later than the expiration date of the  
44 current license, or as otherwise prescribed, each motor carrier shall pay the  
45 regulatory license fee for each vehicle that the carrier will operate during the  
46 next yearly period. The commission may issue partial or over one-year licenses  
47 during the transition from an annual license, to accommodate motor carriers in  
48 adding vehicles to their operations during the year, to coordinate the dates for a  
49 single carrier's licensing of multiple licenses, or for such other reasons as

50 approved by the commission.

2 [390.071. 1. No person shall engage in the business of a  
3 motor carrier in interstate commerce on any public highway in this  
4 state unless there is in force with respect to such carrier a permit  
5 issued by the division of motor carrier and railroad safety  
6 authorizing such operations.

7 2. Upon application to the division in writing, containing  
8 such information as the division may by rule require, accompanied  
9 by a copy of applicant's certificate of public convenience and  
10 necessity or permit issued by the Interstate Commerce  
11 Commission, the filing of such liability insurance policy or bond  
12 and other formal documents as the division shall by rule require,  
13 the division, if it finds applicant qualified, shall, with or without  
14 hearing, issue a permit authorizing the proposed interstate  
operations.]

2 [622.095. 1. In addition to its other powers, the state  
3 highways and transportation commission may negotiate and enter  
4 into fair and equitable cooperative agreements or contracts with  
5 other states, the District of Columbia, territories and possessions  
6 of the United States, foreign countries, and any of their officials,  
7 agents or instrumentalities, to promote cooperative action and  
8 mutual assistance between the participating jurisdictions with  
9 regard to the uniform administration and registration, through a  
10 single base jurisdiction for each registrant, of Federal Motor  
11 Carrier Safety Administration operating authority and exempt  
12 operations by motor vehicles operated in interstate  
13 commerce. Notwithstanding any other provision of law to the  
14 contrary, and in accordance with the provisions of such agreements  
15 or contracts between participating jurisdictions, the commission  
16 may:

17 (1) Delegate to other participating jurisdictions the  
18 authority and responsibility to collect and pay over statutory  
19 registration, administration or license fees; to receive, approve and  
20 maintain the required proof of public liability insurance coverage;  
21 to receive, process, maintain and transmit registration information  
and documentation; to issue evidence of proper registration in lieu

22 of certificates, licenses, or permits which the commission may issue  
23 motor vehicle licenses or identifiers in lieu of regulatory licenses  
24 under section 390.136, RSMo; and to suspend or revoke any  
25 credential, approval, registration, certificate, permit, license, or  
26 identifier referred to in this section, as agents on behalf of the  
27 commission with regard to motor vehicle operations by persons  
28 having a base jurisdiction other than this state;

29 (2) Assume the authority and responsibility on behalf of  
30 other jurisdictions participating in such agreements or contracts to  
31 collect and direct the department of revenue to pay over to the  
32 appropriate jurisdictions statutory registration, administration or  
33 license fees, and to perform all other activities described in  
34 subdivision (1) of this subsection, on its own behalf or as an agent  
35 on behalf of other participating jurisdictions, with regard to motor  
36 vehicle operations in interstate commerce by persons having this  
37 state as their base jurisdiction;

38 (3) Establish or modify dates for the payment of fees and  
39 the issuance of annual motor vehicle licenses or identifiers in  
40 conformity with such agreements or contracts, notwithstanding any  
41 provisions of section 390.136, RSMo, to the contrary; and

42 (4) Modify, cancel or terminate any of the agreements or  
43 contracts.

44 2. Notwithstanding the provisions of section 390.136, RSMo,  
45 statutory registration, administration or license fees collected by  
46 the commission on behalf of other jurisdictions under such  
47 agreements or contracts are hereby designated as "nonstate funds"  
48 within the meaning of section 15, article IV, Constitution of  
49 Missouri, and shall be immediately transmitted to the department  
50 of revenue of the state for deposit to the credit of a special fund  
51 which is hereby created and designated as the "Base State  
52 Registration Fund". The commission shall direct the payment of,  
53 and the director of revenue shall pay, the fees so collected to the  
54 appropriate other jurisdictions. All income derived from the  
55 investment of the base state registration fund by the director of  
56 revenue shall be credited to the state highways and transportation  
57 department fund.

58                   3. "Base jurisdiction", as used in this section, means the  
59 jurisdiction participating in such agreements or contracts where  
60 the registrant has its principal place of business.

61                   4. Every person who has properly registered his or her  
62 interstate operating authority or exempt operations with his or her  
63 base jurisdiction and maintains such registration in force in  
64 accordance with such agreements or contracts is authorized to  
65 operate in interstate commerce within this state any motor vehicle  
66 which is accompanied by a valid annual license or identifier issued  
67 by his base jurisdiction in accordance with such agreements or  
68 contracts, notwithstanding any provision of section 390.071,  
69 390.126 or 390.136, RSMo, or rules of the commission to the  
70 contrary.

71                   5. Notwithstanding any provision of law to the contrary, the  
72 commission may stagger and prorate the payment and collection of  
73 license fees pursuant to this section for the purposes of:

74                   (1) Coordinating the issuance of regulatory licenses under  
75 this section with the issuance of other motor carrier credentials;  
76 and

77                   (2) Complying with any federal law or regulation.]

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